



City of Chicopee, Massachusetts

License Commission

Donald Goulette, Chairman
Robert Borowiec
James Grise
Donald Derosia

City Hall - 17 Springfield Street - Chicopee, MA 01013
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Minutes for May 19, 2011

In attendance: Chairman Goulette, Commissioners Borowiec, Grise and Derosia.

Minutes for April are presented to the Board. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Hearing for Maximum Capacity for alleged violations of the following:

Count 1- M.G.L. Chapter 138§ Section 69. - Sale or delivery to intoxicated person(s)

Count 2- Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.

Count 3- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times.

In attendance: Atty. Michael Labrie, Donald Robert, Sr, Donald Robert, Jr, Michael Coombs, Officer Gerald Nelson, Lt. Patrick Major, Officer Stephen Pietras and Officer Eric Machowski. Lt. Major reads his report into the record. Atty. Labrie asks if the accident was in the Brass Tap parking lot and Lt. Major replies that it was. He also saw the parties involved exit with the crowd from Maximum Capacity. Officer Nelson reads his report into the record. Atty. Labrie asks how many detail officers were on duty that night. Officer Nelson replies a minimum of 2 possibly 4. Atty. Labrie questions whether the officer actually saw the individual in the report entering or leaving the premises. Officer Nelson replies the individual was trying to enter the premises and was not allowed because he was intoxicated. Officer Pietras reads his report into the record. Atty. Labrie asks if he actually saw this individual in the bar. Officer Pietras replies no he did not. Atty. Labrie asks if he saw the wrist band given out. Officer Pietras replied he does not work details there; he was on regular duty when a call was received. He saw the wrist band and spoke to an officer who was on a detail there and confirmed that wrist bands were used that night. Officer Machowski reads his report into the record. Atty. Labrie asks if he saw the individual drinking in the bar. Officer Machowski saw him enter the bar. Atty. Labrie asks how long he was in the bar. Officer Machowski replies at least 2 hours and he was with 2 friends. Atty. Labrie asks if the individual was using drugs that evening. Officer Machowski replies there was no drug use only drinking. Also there were 2 officers on details that night. Officer Pietras reads a second report into the record. Atty. Labrie addresses the Board and states that at the time of all these incidents there could be intoxicated people in the area. He appreciates the Chicopee Police Department's hard work. After questioning the officers he states that none of the officers actually saw any of these people drinking in this establishment. There are 8-12 security people working to detect intoxicated patrons and to diffuse any situations that could occur. His client has spent \$2000.00 per month for off duty police officers as security. They regularly have detail officers there and no matter what incidents still happen. There are security cameras placed throughout and there is such a large volume activity the tapes are used over. Atty. Labrie introduces Mr. Coombs, Head of Security for Maximum Capacity. Mr. Coombs informs the Board of his background, a master's degree in Criminal Justice and his work history. His duties include coordinating the bar managers, security details, check on patrons, cut off patrons, find a ride home if needed. Atty. Labrie states the business has 10,000 patrons per month which is high volume and there are going to be some minor incidents. They would welcome any suggestions from the Chicopee Police Department or the License Commission. Chairman Goulette asks the Commissioners to review each police report separately for a finding of violations. On the report

from Officer Nelson dated 02/02/11, Commissioner Borowiec makes a motion of no finding of a violation. Commissioner Derosia seconds. Motion approved 4-0. On the report from Lt. Major dated 03/08/11, Commissioner Derosia makes a motion that there is sufficient evidence of a finding of Count 1 and Count 2. Commissioner Grise seconds. Motion approved 4-0. On the report from Officer Pietras dated 04/01/11, Commissioner Derosia makes a motion that there is sufficient evidence of a finding of Count 1 and Count 2. Commissioner Borowiec seconds. Motion approved 4-0. On the report from Officer Machowski dated 04/30/11, Commissioner Grise makes a motion that there is sufficient evidence of a finding of Count 1 and Count 3. Commissioner Derosia seconds. Motion approved 4-0. Chairman Goulette states there are 6 violations that are founded. Atty. Labrie disputes the findings. Lt. Major did not see the person in the accident actually drinking in the bar at any time. Also the person wearing the wristband was around the corner and not at this establishment. His last drink could have been at any number of bars in the area. His clients are more than willing to work with the Board on any issue there might be. Chairman Goulette informs the Board that each count can carry a penalty of up to 3 days. Commissioner Derosia feels this might be a to extreme punishment. Commissioner Grise makes a motion for 2 days suspension per violation for a total of 12 days with 6 to be served and 6 to be held in abeyance. There is no second. Commissioner Derosia makes a motion that there be a 10 day suspension with 4 days served and 6 held in abeyance for 6 months provided there are no further violations. Commissioner Borowiec seconds. Motion approved 4-0. Atty. Labrie asks if they can work with the Board on the suspension dates. Chairman Goulette replies no. The suspension will be served on June 1, June 2, June 3 and June 4, 2011. This concludes the hearing for Maximum Capacity.

Hearing for Blue Sky Diner for the following violations- **Count 1-Failure to pay 2010 and 2011 personal property taxes in accordance with City Code Chapter 189-1** The purpose of this chapter is to control the denials of any application for, or revocation or suspension of, any local license or permit, including renewals and transfers, issued by any board, officer, or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose own

Count 2-Failure to pay 2010 personal property taxes in accordance with City Code Chapter 189-5 Payment Agreement; failure to comply Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law

Count 3- Unauthorized Change of D/B/A in Violation of Chicopee Policy and Procedures 1.06Business Arrangements of Licensees o.Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Chicopee License Commission or unless written permission is first obtained from the Chicopee License Commission. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Chicopee License Commission.

The License Commission received a phone message that afternoon that Mr. Gok was on his way to the hospital for a medical emergency and would not be attending the meeting. There was no other person representing this establishment. Chairman Goulette asks Det. Dion if this establishment was serving alcohol during their suspension as they did not surrender the license as required. Det. Dion states that they were not serving alcohol when he did a compliance check at the request of the License Commission. Commissioner Derosia states that at the April 21, 2011 meeting Mr. Gok was strongly advised to address the personal property tax issues by talking to the Collector and making a new payment arrangement which he could afford. He chose not to do this. Commissioner Grise states the personal property tax bills have not been paid for 2 years. Commissioner Derosia states he has been given many opportunities to address this issue and it still is not resolved. Commissioner Derosia makes

a motion to suspend all licenses indefinitely until the personal property taxes are paid in full. Commissioner Grise seconds. Motion approved 4-0. This concludes the hearing for Blue Sky Diner.

Hearing for failure to submit Server Training Requirements

Pulaski Club, 13 Norman St-submitted extension letter. In attendance: Mitchell Nowak. Mr. Nowak informs the Board that it was an oversight that the paperwork was not submitted. They do have 2 dates for which their employees are scheduled. Chairman Goulette states that the 08/23/11 date for training is not acceptable. Mr. Nowak explains to the Board that he can not have all the employees go on the 05/25/11 date or they would have to close the bar and they have already paid in advance for the course. Commissioner Derosia makes a motion that the Server Training Rosters must be submitted by June 17, 2011. Commissioner Grise seconds. Motion approved 4-0.

Hank's Variety, 457 Granby Rd- In attendance Mohamed Anjum. Mr. Anjum submits the required Rosters and will submit a copy of the TIPs cards by Monday.

Blue Sky Diner, 1625 Memorial Dr- No one appeared for this hearing.

Masse's, 1329 Memorial Dr- In attendance: Raymond Rondeau. Mr. Rondeau submits a letter requesting an extension and informs the Board that as his business was closed for several months he feels he should be granted an extension. Commissioner Grise makes a motion to grant an extension until July 25, 2011. Commissioner Derosia seconds. Motion approved 4-0.

Pastime Cafe, 154 School St-In attendance: Gilbert LaValley. Mr. LaValley informs the Board that all the bartenders have completed the training but he does not have the Rosters. A copy of the rosters will be sent to him and should be submitted as soon as possible after receiving them.

Royal Buffett, 591 G Memorial Dr- No one appeared at the meeting. Commissioner Borowiec makes a motion that a letter of warning be sent and that all paperwork must be submitted by June 13, 2011. Commissioner Grise seconds. Motion approved 4-0.

Discussion on +18 or College Nights- this discussion was tabled to a future meeting

Application for a Change of Manager, Officers /Directors and Transfer of Stock for Munich Haus, Inc, D/b/a Munich Haus, 13 Center St with Patrick Gottschlicht as proposed new manager. In attendance: Patrick Gottschlicht. Mr. Gottschlicht informs the Board that he has been involved with the restaurant since it opened and he is now becoming the manager of record. The prior manager is retiring from the business and Mr. Gottschlicht is taking over the entire operation. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0.

Application for a Transfer of an Annual All Alcohol Restaurant License for T.D.T. Inc., D/b/a Say When Cafe, 1747 Westover Rd to SophieAdam, Inc , D/b/a Say When Cafe, 1747 Westover Rd with Monica Stetson as manager. In attendance: William Stetson and Monica Stetson. Commissioner Derosia makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Application for a Change of Officers/Directors for the Chicopee Portuguese American Club, 147 Exchange St with Claudino Francisco as manager. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for a Special One-Day Permit (Beer/Wine) for Patti's Four-Ten, 32 Quincy Ave for a Golf Tournament to be held on Saturday May 21, 2011 from 8:00 AM until 10:00 PM with Patti Bousquet as applicant. Commissioner Derosia makes a motion to approve and amend the starting time to 10:00 AM. Commissioner Grise seconds. Motion approved 4-0.

Application for a Special One-Day Permit (Beer/Wine) for Eagles, 17 Sheridan St for a Chip & Putt Golf Tournament to be held on Sunday June 5, 2011 from 11:30 AM until 8:30 PM with Lionel

Charette as applicant. Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0.

Application for a Common Victualer, Weekday and Sunday Entertainment for Monty's Roadhouse, 733 Chicopee St with Tim Driscoll as manager (New) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for a Common Victualer for Sabor Del Caribe Restaurant, 32 Center St with Othniel Rosario as manager (New) Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0.

Application for a Common Victualer for Dana Park Pizza, 486 Springfield St with Alan Bishop as manager (new) Commissioner Grise makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Application for a Mobile Common Victualer for JND Amusements with Jeff Edelman as manager (renewal) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for Mobile Common Victualer for Desi Dawgs with Michael Perry as manager (New) Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for an Automatic Amusement (1 Skill Touch) for Pizza Palace, 17 White Birch Plaza with Maria Mantzios as manager. Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Request for an extension on Server Training

Buffalo Club, 333 James St -Commissioner Derosia makes a motion to grant a 30 day extension. Commissioner Grise seconds. Motion approved 4-0.

Applebee's, 597 Memorial Dr- Commissioner Derosia makes a motion to grant a 30 day extension. Commissioner Grise seconds. Motion approved 4-0.

Blue Room Cafe, 139 Broadway- Commissioner Derosia makes a motion to grant a 30 day extension. Commissioner Borowiec seconds. Motion approved 4-0.

Liquor Shed, 1345 Burnett Rd- Commissioner Derosia makes a motion to deny the extension and all paperwork must be submitted by May 31, 2011. Commissioner Borowiec seconds. Motion approved 4-0.

Chief's Lounge, 371 Chicopee St- Commissioner Derosia makes a motion to grant an extension and all paperwork must be submitted by June 13, 2011. Commissioner Grise seconds. Motion approved 4-0.

Plaza Liquors, 591 Memorial Dr- Commissioner Derosia makes a motion to grant an extension and all paperwork must be submitted by June 13, 2011. Commissioner Grise seconds. Motion approved 4-0.

Elks Lodge, 431 Granby Rd- Commissioner Derosia makes a motion to grant an extension and all paperwork must be submitted by June 17, 2011. Commissioner Grise seconds. Motion approved 4-0.

Late files

Application for a Special One-Day Permit(Beer/Wine) for the Chicopee Fest of All Beer Garden to be held at Szot Park, Front St on:

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| Thursday | June 23, | 4:00 PM until 9:00PM |
| Friday | June 24, | 4:00 PM until 9:30PM |

Saturday June 25, 10:00 AM until 10:00PM

Sunday June 26, 10:00 AM until 8:00PM

with Bob Liswell as applicant. Function will be held in a contained and monitored area. Commissioner Grise makes a motion to approve and waive the fee. Commissioner Derosia seconds. Motion approved 4-0.

Application for Special One Day Permits (Beer/Wine) for Moose Family Center, 244 Fuller Rd for the Weekly Classic Car Show to be held on the following dates:

May 26 5:30 PM until Dark

June 2 5:30 PM until Dark

June 9 5:30 PM until Dark

June 16 5:30 PM until Dark

June 23 5:30 PM until Dark

June 30 5:30 PM until Dark

July 7 5:30 PM until Dark

July 14 5:30 PM until Dark

July 21 5:30 PM until Dark

July 29 5:30 PM until Dark

Aug 4 5:30 PM until Dark

Aug 11 5:30 PM until Dark

Aug 18 5:30 PM until Dark

Aug 25 5:30 PM until Dark

Sept 1 5:30 PM until Dark

Sept 8 5:30 PM until Dark

Sept 15 5:30 PM until Dark

With Bob Hupfer as applicant. (Area will be contained and monitored) Commissioner Grise makes a motion to approve. Commissioner Derosia seconds. Motion approved 4-0.

Application for an additional Automatic Amusement (1 Pool Table) for Mulligan's Pub, 621 Center St with Jeremiah Sullivan as manager. Commissioner Derosia makes a motion to approve. Commissioner Borowiec seconds. Motion approved 4-0.

Fest of All Temporary Common Victualer

Thai Awesome Restaurant, Kim Saeng as manager

Amy's Sweet Treats, Henry Mitchell as manager

Commissioner Derosia makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Filing fees are read into the record by Commissioner Grise.

Chairman Goulette informs the Board of the following ABCC approvals: Masse's, 1329 Memorial Dr (Alteration of Premises)